

Notice of Allowability

Application No.

09/536,024

Examiner

Prasad R Akkapeddi

Applicant(s)

YOSHIDA, MITSUNOBU

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/09/2004.
2. ☒ The allowed claim(s) is/are 15,19-22,26-28,50,60,64 and 65.
3. ☒ The drawings filed on 27 March 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/09/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/2004 has been entered.

Allowable Subject Matter

2. Claims 15,19-22,26-28,50,60,64 and 65 are allowed.
3. The following is an examiner's statement of reasons for allowance:

A search of the prior art did not disclose a display device comprising a combination of structural elements, more specifically:

(a) The display device switches a contact state of the plate-like transparent elastic member with respect to the second surface among at least first, second and third states according to a gray scale image wherein the second state being a state in which the plate-like transparent elastic member is deformed such that a portion of the plate-like transparent elastic member on a side of the second end is in contact with the second surface.

(b) An elastic member made of a light transmitting material and comprising a surface which faces the second surface and is provided with tapered

projections and the display device switches a contact state of the plate-like transparent elastic member with respect to the second surface among at least first, second and third states according to a gray scale image wherein the second state being a state in which the elastic member is pressed against the second surface such that each height of the tapered projections decreases and a third state being a state in which the elastic member is pressed against the second surface such that the tapered projections disappear.

The previously cited prior art by Yanekubo (U.S. Patent No. 6,470,115) teaches only a first state where a plate like elastic member (35) is spaced apart from a light transmitting member (31) (shown on the left side of Fig. 1) and a second state where the plate like elastic member (35) is in total contact with the light transmitting member (31) (shown on the right side of Fig. 1). Hence Yanekubo does not teach a state where a portion of the plate like elastic member is in contact with the light transmitting member, as recited in the instant claims 15 and 50. Neither does Yanekubo teach the existence of tapered projections and the decrease or the disappearance of these projections according to a contact state, as recited in instant claims 22 and 65.

Yanekubo obtains the grayscale imaging by adjusting the application time of the voltage applied to the electrodes (col. 12, lines 55-60) as compared to three contact states, as recited in the instant claims 15 and 50.

Since the teachings of Yanekubo are quite different from the instant application, the claims are allowable.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prasad R Akkapeddi whose telephone number is 571-272-2285. The examiner can normally be reached on 7:00AM to 5:30PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRR

Prasad R Akkapeddi, Ph.D
Examiner
Art Unit 2871


TARIFUR R. CHOWDHURY
PRIMARY EXAMINER